

73999/95804

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

PATENT

In re Application of: Jonathan W. Nyce : Appl. Ref. No: EPI-072
Serial No: 09/093,972 : Gr. Art Unit: 1635
Filed: June 9, 1998 : Examiner: Janet L. Epps

Title: COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION AND
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION

DECLARATION UNDER 37 CFR 1.821(f)

Assistant Commissioner for Patents
Washington D C 20231

Sir/Madam:

I, Viviana Amzel, hereby state that the content of the paper and computer readable copies of the sequence listing submitted herewith, in accordance with 37 CFR 1.821(c) and (e), respectively, include no new matter and are, to the best of applicants' knowledge, the same as the sequences submitted with the application as filed, except for sequences 997-1035, which sequences have been added to the application supported by the disclosure of the parent application USSN 08/474,497, filed June 7, 1995, now U.S. Patent No. 5,994,315. Thus, applicants have fully met the requirements of 37 CFR 1.821 through 1.825 for patent applications containing nucleotide sequence and/or amino acid sequence disclosures.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
Arter & Hadden

5/4/00
Date

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail Post Office to Addressee" service under 37 CFR 1.8 on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D C 20231, on April __, 2000, by Jenny Rebecca Wilson.

Jenny Wilson
SIGNATURE May 4,

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to these regulations, published at 114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. Other: _____

Applicant must provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
For CRF submission help, call (703) 308-4212
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Please return a copy of this notice with your response.

USSN 04/093,922

Sub: NYCE

Ref No: EPI-072

Att: V. AMZEL

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SEQUENCE LISTING